

(b) Where a building or facility is vacated and it is totally altered, then it shall comply with §1190.31 Accessible buildings and facilities: New construction, except to the extent where it is structurally impracticable.

(c) Where substantial alteration occurs to a building or facility, then each element or space that is altered or added shall comply with the applicable provisions of §1190.31, Accessible buildings and facilities: New construction, except to the extent where it is structurally impracticable and the altered building or facility shall contain:

(1) At least one accessible route complying with ANSI A117.1-1986, section 4.3, Accessible Routes (incorporated by reference, see §1190.31(a)), and paragraph (a) of this section;

(2) At least one accessible entrance complying with ANSI A117.1-1986, section 4.14, Entrances (incorporated by reference, see §1190.31(a)). If additional accessible entrances are altered, then they shall comply with paragraph (a)(1) of this section; and

(3) The following toilet facilities, whichever number is greater:

(i) At least one toilet facility for each sex in the altered building complying with ANSI A117.1-1986, section 4.22, Toilet Rooms, Bathrooms, Bathing Facilities, and Shower Rooms (incorporated by reference, see §1190.31(a));

(ii) At least one toilet facility for each sex on each substantially altered floor, where such facilities are provided, complying with ANSI A117.1-1986, section 4.22, Toilet Rooms, Bathrooms, Bathing Facilities, and Shower Rooms (incorporated by reference, see §1190.31(a));

In making the determination as to what constitutes "substantial alteration," the agency issuing standards for the facility shall consider the total cost of all alterations (including but not limited to electrical, mechanical, plumbing, and structural changes) for a building or facility within any twelve (12) month period. For guidance in implementing this provision, an alteration to any building or facility is to be considered substantial if the total cost for this twelve month period amounts to 50% or more of the full and

fair cash value of the building as defined at §1190.3.

(4) *Exception.* If the cost of the elements and spaces required by paragraphs (c) (1), (2), and (3) of this section, exceeds 15% of the total cost of all other alterations, then a schedule may be established by the standard-setting and/or funding agency to provide the required improvements within a 5 year period.

(5) *Exception.* If the alteration is limited solely to the electrical, mechanical, or plumbing system and does not involve the alteration of any elements and spaces required to be accessible under part 1190, then paragraph (c) of this section, does not apply.

(6) *Exception.* Consideration shall be given to providing accessible elements and spaces in each altered building or facility complying with:

(i) ANSI A117.1-1986, sections 4.6, Parking Spaces and Passenger Loading Zones, as modified by §1190.31(s)(1);

(ii) ANSI A117.1-1986, section 4.15, Drinking Fountains and Water Coolers;

(iii) ANSI A117.1-1986, section 4.23, Storage;

(iv) ANSI A117.1-1986, section 4.26, Alarms;

(v) ANSI A117.1-1986, section 4.29, Telephones;

(vi) ANSI A117.1-1986, section 4.30, Seating, Tables and Work Surfaces;

(vii) ANSI 4.31, Auditorium and Assembly Areas, as modified by §1190.31(s)(1). (Incorporated by reference, see §1190.31(a).)

(7) *Exception:* Mechanical rooms and other spaces which normally are not frequented by the public or employees of the facility or which by nature of their use are not required by the Architectural Barriers Act to be accessible are excepted from paragraphs (c) (1), (2), and (3) of this section.

[47 FR 33864, Aug. 4, 1982. Redesignated and amended at 54 FR 5444, 5446, Feb. 3, 1989]

§ 1190.34 Accessible buildings and facilities: Leased.

(a) Buildings or facilities or portions thereof leased by the Federal Government shall comply with §1190.31, New construction, or shall incorporate the features listed in §1190.33(c), Alterations. Where both types of buildings are available for leasing, reasonable

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preference must be given to buildings or facilities complying with § 1190.31, New construction.

(b) If space complying with paragraph (a) of this section is not available, space may be leased only if the space meets, or is altered to meet, the following conditions:

(1) At least one accessible route is provided from an accessible entrance complying with § 1190.120, Entrances, to those areas in which the principal activities for which the building or facility was leased are conducted. Separate accessible routes may be provided to areas serving different groups of users (e.g., the public, employees).

(2) The accessible route shall comply with the requirements of § 1190.50, Walks, floors, and accessible routes, and provide access to whatever accessible facilities are either required or provided, such as accessible toilets.

(i) Toilet facilities, to the extent required for the ready intended use of the building or facility, shall be provided as follows—

(A) Where more than one toilet for each sex is provided in a building or facility, at least one toilet facility which complies with § 1190.150, Toilet and bathing facilities, shall be provided for each sex on each floor having toilets; or

(B) In a building or facility providing only one toilet for each sex, either one unisex toilet or one toilet for each sex complying with § 1190.150 shall be provided; or

(C) In a building or facility where only one toilet is provided, one unisex toilet complying with § 1190.150 shall be provided.

(ii) Parking facilities, if a parking area is included within the lease, shall be provided complying with § 1190.60, Parking and passenger loading zones, to the extent feasible.

(3) Where an agency determines that an area does not require the provision of toilets or parking facilities for the users or occupants of that area, nothing in this section shall be construed to require the provision of any such facilities.

(4) Consideration shall be given to providing accessible elements and spaces in each altered building or facility complying with:

(i) Section 1190.160 Drinking fountains and water coolers;

(ii) Section 1190.180 Alarms;

(iii) Section 1190.210 Telephones;

(iv) Section 1190.220 Seating, tables, and work surfaces;

(v) Section 1190.230 Assembly areas; and

(vi) Section 1190.240 Storage.

(c) If space leased in accordance with the requirements of paragraph (a) or (b) of this section is subsequently altered, then the alterations shall comply with the requirements of § 1190.33, Alterations.

(d) If space leased in accordance with the requirements of paragraph (a) or (b) of this section is increased by construction of an addition, the addition shall comply with § 1190.32, Additions, to the extent it is leased by the Federal Government.

(e) If leased space at the time of leasing meets past or present state or local codes or the recommended standards of the American National Standards Institute (ANSI) A117.1 for accessibility to physically handicapped people, and provides the features required by this section, the space may be used as is or altered to comply with the technical requirements of paragraph (a) or (b) of this section.

(f) Once leased space in an existing building is accessible or is made accessible hereunder, no new accessibility alterations shall be required under this subpart except where alterations or additions are made to the building which are covered by paragraphs (c) and (d) of this section.

(g) *Exceptions.* (1) If no space complying with paragraph (a) or (b) of this section is available for leasing, space as available may be leased without alterations:

(i) If the lease is necessary for officials servicing natural or human-made disasters on an emergency basis;

(ii) If the space is used on an intermittent basis; or

(iii) If the occupancy of the space is for no more than twelve months. If delays occur during the twelve months, the short-term lease may be extended for no more than an additional 12 months.

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(2) Mechanical rooms and other spaces which normally are not frequented by the public or employees with handicaps of the occupant agency or which by nature of their use are not required to be accessible are excepted from this section.

[53 FR 35510, Sept. 14, 1988. Redesignated at 54 FR 5444, Feb. 3, 1989]

Subpart C—Technical Provisions

§ 1190.40 Technical specifications.

Features, elements and spaces required to be accessible by § 1190.31, § 1190.32, or § 1190.33 shall meet the technical requirements specified in the provisions of sections 4.2 through 4.32 of ANSI A117.1-1986, "American National Standard for Buildings and Facilities—Providing Accessibility and Usability for Physically Handicapped People," which is incorporated herein by reference, except as noted herein. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018. Copies may be inspected at the office of the U.S. Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

[54 FR 5447, Feb. 3, 1989]

§ 1190.50 Exceptions.

(a) In addition to ANSI A117.1-1986, section 4.10 (incorporated by reference, see § 1190.31(a)), Elevators, the following requirement is added: Hall call buttons provided under ANSI A117.1-1986, section 4.10.3 shall be raised or flush.

(b) Under ANSI A117.1-1986, section 4.7 (incorporated by reference, see § 1190.31(a)), Curb Ramps, and ANSI 117.1-1986, section 4.7.7, Warning Textures, and ANSI 117.1-1986, section 4.7.12, Uncurbed Intersections, shall not apply.

(c) In addition to ANSI A117.1-1986, section 4.28, Signage (incorporated by reference, see § 1190.31(a)), there is

added the requirement that interior tactile signage identifying rooms and spaces be located alongside the door on the latch side and be mounted at a height between 54 in and 66 in (1370 mm and 1675 mm) above the finished floor.

[54 FR 5447, Feb. 3, 1989]

Subpart D—Special Building or Facility Types or Elements

§ 1190.60 Special building or facility types.

The requirements specified in the Uniform Federal Accessibility Standards (UFAS) in sections 5, Restaurants and Cafeterias; 6, Health Care; 7, Mercantile; 8, Libraries; and 9, Postal Facilities, are deemed to satisfy minimum guidelines and requirements of the ATBCB for accessibility standards for those building and facility types.

[54 FR 5448, Feb. 3, 1989]

PART 1191—AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES

1191.1 Accessibility guidelines.

1191.2 Temporary suspension of certain detectable warning requirements.

APPENDIX A TO PART 1191—AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES

AUTHORITY: 42 U.S.C. 12204.

SOURCE: 56 FR 35453, July 26, 1991, unless otherwise noted.

§ 1191.1 Accessibility guidelines.

The accessibility guidelines for buildings and facilities for purposes of the Americans with Disabilities Act are found in the appendix to this part. The guidelines are issued to assist the Department of Justice and Department of Transportation to establish accessibility standards to implement the legislation.

[56 FR 45518, Sept. 6, 1991]

§ 1191.2 Temporary suspension of certain detectable warning requirements.

The detectable warning requirements contained in §§ 4.7.7, 4.29.5, and 4.29.6 of